



Town of Danvers Planning Board

1 Sylvan Street, Danvers, Massachusetts 01923 | p: 978-777-0001

www.danversma.gov

Planning Board Members:

James Sears, Chair
Louis George, Clerk
Torey Adler
Jean Hartnett
Tim Spittle
Mike Decoulos, Associate

Location: Danvers Senior Center and Remote Participation January 9, 2024 7:00 p.m. MINUTES

James Sears called the meeting to order at 7:00PM.

Board members present: James Sears, Torey Adler, Louis George, Jean Hartnett, Tim Spittle, Mike Decoulos (Associate).

Staff present: Joshua Morris, Principal Planner

PUBLIC HEARING: Zoning Bylaw Amendments – An overview from staff of the proposed Zoning Bylaw amendments for Special Town Meeting (February 5, 2024). The public hearing is regarding a number of updates to the following sections of the Danvers Zoning Bylaw for purposes of clarity, consistency and reflection of current Massachusetts case law: Section 1, Purpose and Application; Section 2, Administration; Section 3, General Provisions; Section 4, Site Plan Review; Section 6, Use Regulations; Section 7, Dimensional Requirements; Section 9, Accessory Uses; Section 10, Off-Street Parking Standards; Section 15, Health Care District; Section 16, Waterfront Village District (WVD); Section 18, Character-Based Zoning Districts; Section 19, Danvers Town Center-Core District; Section 20, Danvers Town Center-Live/Work District; Section 21, High Street Mixed Use Corridor District; Section 22, Maple Street Traditional Neighborhood Development Smart Growth Overlay District; Section 27, Groundwater Protection District By-Law; Section 29, Affordable Housing Provision; Section 30, Special Permits; Section 31, Floodplain Overlay District; Section 32, Hathorne West; Section 34, Congregate and Independent Housing for the Elderly; Section 36, Assisted Living Residences; Section 37, Sign Bylaw; Section 40, Definitions; Table 1: Table of Allowable Uses; Table 2: Table of Dimensional Requirements – Residential. The public hearing was advertised on November 9, 2023 and November 16, 2023 and a public notice for the proposed amendments can be found in the Office of the Town Clerk.

Staff-reviewed agenda and articles proposed, which include MBTA 3A Downtown Zoning, Adaptive Re-Use and Housekeeping. Discussed purpose of adaptive re-use, qualifications and process.

Board-Special Permit Granting Authority (SPGA) is the Zoning Board of Appeals (ZBA)?

Staff-correct. Will review criteria.

Board-1890 for cutoff-how was that decided? More specific language? Does ZBA have discretion to say criteria is not met to qualify?

Staff-yes. Eligibility is a factor; would review the property.

Board-reviewed background of 1890 cutoff decision and historic and preservation.

Bill Bradstreet (Town Meeting Member Precinct 1)-trying to understand date selection.

Staff-date came from ad hoc committee; related to architecture and history of the Town.

Board-came from meetings with Town Staff and Richard Trask (Town Archivist) and ad hoc committee.

Staff-Housekeeping article-reviewed work done with consultant, sections where changes were made and rationale behind the changes proposed.

Board-to staff-affordable housing all in one article? Exception for Maple Street Overlay? Table of Allowable Uses-114A restaurant takeout-how long has that been prohibited? What does restaurant takeout entail?

Staff-all moved into one section with exception of Maple Street Overlay. 114A-not sure on how long prohibited; not changing definition of restaurant takeout.

Bill Bates (Town Meeting Member Precinct 4)-concern with Section 3-where will changes be shown? Would like changes in red for Town Meeting.

Staff-that will happen. Redline version emailed and on website.

Bill Bradstreet (Town Meeting Member Precinct 1)-what constitutes a restaurant?

Staff-restaurant drive-through is its own line item. Reviewed restaurant categories.

Val Kenny-Danvers Resident-parking requirement per unit? Public transportation?

Board-bylaw notes parking requirements based on areas of Town. Working on Public Transportation with the State. Bylaw available online and at Town Hall.

Board-114A takeout-noted multiple takeout restaurants on 114-are bylaws not being enforced?

Staff-change to reflect use that is taking place on 114A and is appropriate for that environment.

Joanne Ragucci (Town Meeting Member Precinct 2)-present remotely. Parking-concern with reduction in parking and that streets will become more clogged with cars. Traffic issue.



Motion to send zoning bylaw amendment language to Select Board for inclusion on the Warrant for Town Meeting made and read aloud by Louis George. Seconded by Torey Adler. In favor: 5. Opposed: 0. Motion carries.

152 Endicott Street – Request for a Roadway Improvement Plan and Site Plan Review pursuant to Section Four of the Zoning Bylaw submitted by JBM Danvers, LLC for property in the Commercial III (C-3) zoning district. The applicant proposes to improve an existing way (Chalet Court) to access a new retail/commercial building and a new hotel (Assessor’s Map 63, Lot 14).

Attorney Frank Marinelli-legal counsel representing applicant. Reviewed meetings with Town and abutters which led to draft decisions being presented. Reviewed plans being proposed. Present remotely are Bob Clark (Project Engineer); Jeff Durke (Traffic Engineer); Gregg Mikolaities and Pete Doucet (Development Director-Torrington) present. Noted peer reviews conducted and results. Noted scope of work.

Board-peer review regarding stormwater?

Attorney Marinelli-peer review notes adequate capacity.

Staff-sewer peer review-questions have been resolved.

Attorney Marinelli-original engineering memo has been updated and follows comments. Noted \$750,000 request and that that has been deleted. Would like clear statement that \$750,000 does not apply and was not agreed to.

Staff-memo of today’s date (January 9) are documents referenced in decision and language which carries through memo.

Attorney Marinelli-we are good with draft decisions.

Board-utility page-do not need area for future pump station?

Attorney Marinelli-Town is getting easement area allocated.

Board-waiver to bylaw about width of access drives?

Gregg Mikolaities-all the access drives. 22’ travel lanes.

Attorney Nancy McCann-represent Eastern Bank Trustee of the Anna Mscicz Trust-owners of property at 180, 160 and 182 Endicott Street. Plans presented reflect that concerns of have been addressed. Do not opposed draft decisions.

Joanne Ragucci (Town Meeting Member Precinct 2)-present remotely. Debris at site-concerns with weather blowing debris off of buildings-what is Town doing to hold someone responsible to clean it? Safety concern. If hotel did not go through-provision for hotel to become apartments?

Board-there is an owner of that property who is responsible.

Pete Doucet-building abated. Will move debris pending approval. Will secure materials.

Board-apartments were never proposed.

Attorney Marinelli-no proposal for apartments. Provision that if use altered, will come back to the board.

Staff- The property is in the Commercial III (C-3) zoning district the and residential is not allowed.

Joanne Ragucci-price for Town to get infrastructure ready? Projected income tax on property? Improvements near 128 intersection?

Board-connected to Town services and sewerage capacity adequate. Applicant builds their building and does not cost town. Real estate tax based upon commercial tax rate. Would have to check with tax assessors office one project complete. Traffic study and peer review completed.

Gregg Mikolaities-new intersection; all paid for by applicant.

Motion to approve Roadway Improvement Plan (decision read aloud by Louis George) made by Louis George. Seconded by Torey Adler. In favor: 5. Opposed: 0. Motion carries.

Motion to approve Site Plan (decision read aloud by Louis George) made by Louis George. Seconded by Torey Adler. In favor: 5. Opposed: 0. Motion carries.

Minutes

Motion to approve minutes December 12, 2023 made by Louis George. Seconded by Jean Harnett. Torey Adler was not present at the December 12, 2023 meeting and recused himself. In favor: 4. Opposed: 0. Minutes approved.

Staff-next meeting will have Site Plan Review for 15 Popes Lane.

Board-signage at Market Basket's new liquor store-would like staff review. Feedback from Simon regarding incomplete pavement?

Staff-will look into signage. Possible application on Simon property coming in. Strategic
Danvers has two open surveys asking for community feedback via website.
Motion to adjourn made by Torey Adler. Seconded by Louis George. Meeting adjourned at
8:40PM.